

APPENDIX 5

Stage 1 Equality Impact Assessment – Initial Screening	
Assessor(s) Name(s):	Lee Matthews – Strategic Manager Recreation and Open Spaces
Directorate:	Neighbourhoods
Date of Completion:	18/09/2019
Name of Policy/Strategy/Service/Function Proposal	
Public Spaces Protection Orders	
The Aims, Objectives and Expected Outcomes:	
<p>To review and amend the Dog Control and Designated Public Place Orders and replace them with new Public Spaces Protection Orders</p> <p>This EIA is at a preliminary stage as the local authority is required to enter into a period of stakeholder public consultation before orders can be finalised. The consultation will focus on:</p> <p>(a) Purpose and scope – local authority needs to seek stakeholder views on the new PSPOs and will provide consult widely using copies of the draft order and associated site plans clearly identifying the scope of the order per location.</p> <p>The consultation will identify locations where existing DPPO's and Dog Control orders will transfer across into PSPO but it will also highlight changes where dogs should be on lead or excluded from some areas.</p> <p>Areas in scope include: - town centres, parks and open Space, cemeteries, rights of way, public highway and beaches.</p> <p>(b) Approach – we shall be going out to consultation to build on initial feedback returned in early 2019. Maps and draft orders will be provided to make it clear where the new PSPO are proposed</p> <p>(c) Considerations - number of complaints and inspections highlighting public order offence</p> <p>(d) Enforcement options – Updated fixed penalty notice section to include progression to prosecution without the requirement of an authority panel.</p>	

<p>Inclusion of civil penalties.</p> <p>(e) Data sharing and freedom of information – maps will be publicised on line and have appropriate local site signage once confirmed</p>	
<p>Key Questions to Consider in Assessing Potential Impact</p>	
<p>Will the policy, strategy, service or council function proposal have a negative impact on any of the protected characteristics or other reasons that are relevant issues for the local community and/or staff?</p>	<p>No</p>
<p>Has previous consultation identified this issue as important or highlighted negative impact and/or we have created a “legitimate expectation” for consultation to take place? A legitimate expectation may be created when we have consulted on similar issues in the past or if we have ever given an indication that we would consult in such situations</p>	<p>No</p>
<p>Do different groups of people within the local community have different needs or experiences in the area this issue relates to?</p>	<p>No</p>
<p>Could the aims of these proposals be in conflict with the council’s general duty to pay due regard to the need to eliminate discrimination, advance equality of opportunity and to foster good relations between people who share a protected characteristic and people who do not?</p>	<p>No</p>
<p>Will the proposal have a significant effect on how services or a council function/s is/are delivered?</p>	<p>No</p>
<p>Will the proposal have a significant effect on how other organisations operate?</p>	<p>No</p>
<p>Does the proposal involve a significant commitment of resources?</p>	<p>No</p>
<p>Does the proposal relate to an area where there are known inequalities?</p>	<p>No</p>
<p>If you answer Yes to any of these questions, it will be necessary for you to proceed to a full Equality Impact Assessment after you have completed the rest of this initial screening form.</p> <p>If you answer No to all of these questions, please provide appropriate evidence using the table below and complete the evidence considerations box and obtain sign off from your Head of Service.</p>	

Protected Characteristics	Positive	Negative	No impact	Reasons
Age			X	<p>All persons may be subject to enforcement action where PSPO will apply. The considerations applied in the policy are consistency, transparency, proportionality and risk targeting as well as the seriousness of the offence, the consequence, previous history, wilfulness, effectiveness of the enforcement option and public interest. The public interest test also considers the impact on vulnerable individuals which may include those with protected characteristics under the Equality Act 210.</p> <p>Feedback from the pending consultation has yet to be reviewed, however, there could be both a negative (restriction on where people can go) and positive because areas will be cleaner and safer.</p>
Disability			X	<p>All persons may be subject to enforcement action where PSPO will apply. The considerations applied in the policy are consistency, transparency, proportionality and risk targeting as well as the seriousness of the offence, the consequence, previous history, wilfulness, effectiveness of the enforcement option and public interest. The public interest test also considers the impact on vulnerable individuals which may include those with protected characteristics under the Equality Act 210.</p> <p>Feedback from the pending consultation has yet to be reviewed, however, there could be both a negative (restriction on where people can go) and positive because areas will be cleaner and safer.</p>
Gender Reassignment			X	<p>All persons including businesses may be subject to enforcement action where this policy will apply. The considerations applied in the policy are</p>

				<p>consistency, transparency, proportionality and risk targeting as well as the seriousness of the offence, the consequence, previous history, wilfulness, effectiveness of the enforcement option and public interest. The public interest test also considers the impact on vulnerable individuals which may include those with protected characteristics under the Equality Act 210.</p> <p>Currently no data is collected showing the equality breakdown of those subject to enforcement action (individual or businesses). It is unlikely that this information would be collected.</p>
Marriage & Civil Partnership			x	<p>All persons may be subject to enforcement action where PSPO will apply. The considerations applied in the policy are consistency, transparency, proportionality and risk targeting as well as the seriousness of the offence, the consequence, previous history, wilfulness, effectiveness of the enforcement option and public interest. The public interest test also considers the impact on vulnerable individuals which may include those with protected characteristics under the Equality Act 210.</p> <p>Feedback from the pending consultation has yet to be reviewed, however, there could be both a negative (restriction on where people can go) and positive because areas will be cleaner and safer.</p>
Pregnancy & Maternity			x	<p>All persons may be subject to enforcement action where PSPO will apply. The considerations applied in the policy are consistency, transparency, proportionality and risk targeting as well as the seriousness of the offence, the consequence, previous history, wilfulness, effectiveness of the enforcement option and public interest. The public interest test also considers the impact on vulnerable individuals which may include those with protected characteristics under the Equality Act 210.</p> <p>Feedback from the pending consultation has yet to be reviewed, however, there could be both a negative (restriction on where people can go) and positive because areas will be cleaner and safer.</p>

Race			x	<p>All persons may be subject to enforcement action where PSPO will apply. The considerations applied in the policy are consistency, transparency, proportionality and risk targeting as well as the seriousness of the offence, the consequence, previous history, wilfulness, effectiveness of the enforcement option and public interest. The public interest test also considers the impact on vulnerable individuals which may include those with protected characteristics under the Equality Act 210.</p> <p>Feedback from the pending consultation has yet to be reviewed, however, there could be both a negative (restriction on where people can go) and positive because areas will be cleaner and safer.</p>
Religion / Belief			x	<p>All persons may be subject to enforcement action where PSPO will apply. The considerations applied in the policy are consistency, transparency, proportionality and risk targeting as well as the seriousness of the offence, the consequence, previous history, wilfulness, effectiveness of the enforcement option and public interest. The public interest test also considers the impact on vulnerable individuals which may include those with protected characteristics under the Equality Act 210.</p> <p>Feedback from the pending consultation has yet to be reviewed, however, there could be both a negative (restriction on where people can go) and positive because areas will be cleaner and safer.</p>
Sex (male / female)			x	<p>All persons may be subject to enforcement action where PSPO will apply. The considerations applied in the policy are consistency, transparency, proportionality and risk targeting as well as the seriousness of the offence, the consequence, previous history, wilfulness, effectiveness of the enforcement option and public interest. The public interest test also considers the impact on vulnerable individuals which may include those with protected characteristics under the Equality Act 210.</p> <p>Feedback from the pending consultation has yet to be reviewed, however, there could be both a</p>

				negative (restriction on where people can go) and positive because areas will be cleaner and safer.
Sexual Orientation			x	<p>All persons may be subject to enforcement action where PSPO will apply. The considerations applied in the policy are consistency, transparency, proportionality and risk targeting as well as the seriousness of the offence, the consequence, previous history, wilfulness, effectiveness of the enforcement option and public interest. The public interest test also considers the impact on vulnerable individuals which may include those with protected characteristics under the Equality Act 210.</p> <p>Feedback from the pending consultation has yet to be reviewed, however, there could be both a negative (restriction on where people can go) and positive because areas will be cleaner and safer.</p>
Are there aspects of the proposal that contribute to or improve the opportunity for equality?				Yes
<p>By adhering to the policy, formal enforcement duties will be carried out in a fair, equitable, non discriminatory and consistent manner. Consistency will be promoted by following clear standards of enforcement and where possible through liaison with other authorities and enforcement bodies.</p>				
Evidence Considered During Screening				
<p>The new PSPO applies to anyone where they may be subject to enforcement action instigated by services within the neighbourhoods directorate.</p> <p>The PSPO is due to go out to consultation to local residents, land owners, and key stakeholders.</p> <p>Internal departmental consultation has taken place with licensing, rights of way, parks and countryside, beaches and bereavement services</p> <p>Cabinet members for community safety and public protection and heritage and environment have been briefed.</p> <p>Current order proposals have been produced from the following</p> <p>Services users/complaints Previous Enforcement action</p>				

<p>Feedback from stakeholders and inspection officers</p> <p>Comments from initial feedback has assisted the drafting of the current orders which may be amended after the proposed consultation period</p> <p>A further EIA will be drafted at final report stage</p>	
Head of Service Sign off:	
Advice sought from Legal Services (Name)	
Date	

Stage 2 Full Equality Impact Assessment	
Assessor(s)Name(s):	Amanda Gregory – Strategic Manager Regulatory and community Safety Services
Directorate:	Neighbourhoods
Date of Completion:	20/06/2019
Name of Policy/Strategy/Service/Function Proposal	
Neighbourhoods Enforcement Policy	
The Aims, Objectives and Expected Outcomes:	
<p>To review and amend the Enforcement Policy.</p> <p>The function of this policy is to promote consistency and transparency of decision making when considering enforcement action. This will allow persons / businesses subject to regulation to know what can be expected from officers and, ensure enforcement action is taken in a consistent, fair and open manner.</p> <p>Enforcement includes any criminal or civil action taken by Officers to ensure that individuals or businesses comply with the law.</p> <p>The current Regulatory Services Enforcement Policy has been reviewed and revised following service restructures and changes in legislation.</p> <p>The main changes to the policy are as follows:</p> <ul style="list-style-type: none"> (f) Purpose and scope – Extended to include other services within the neighbourhood's directorate. (g) Approach - Makes it clear that we will seek a graduated approach to enforcement. (h) Considerations - Includes admission of guilt (under caution). (i) Enforcement options – Updated fixed penalty notice section to include progression to prosecution without the requirement of an authority panel. Inclusion of civil penalties. 	

(j) Conflict of interests – new section to consider commercial activity of the local authority.

Data sharing and freedom of information – new section

Please delete as appropriate:

- This is a proposed change to an existing policy

Scope of the Equality Impact Assessment

The policy will be reviewed every three years and take into account responses from the following:

- Services users/complainants
- Individuals/businesses
- Elected Members
- Town/Parish Councils
- Officers
- Other Council departments

Additional information to be considered will include:

- Service monitoring reports including equality monitoring data (where available)
- User feedback and complaints (where applicable)
- Population and equality profiles of the island:
- http://www.iwight.com/council/facts_and_figures/informat.asp

Analysis and assessment

It is unlikely that there will be a positive or negative impact of this policy on minority, disadvantaged, vulnerable and socially excluded groups.

The second full public consultation did not provide any additional information that could be considered beyond the initial scoping exercise.

Recommendations

The results of the internal consultation did not provide any additional equality data for consideration in the full assessment.

The impact of the policy is neither negative nor positive and has a neutral effect on equality impact.

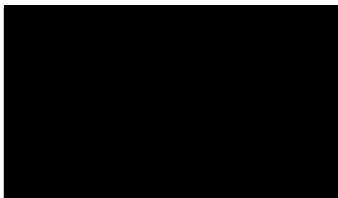
As a recommendation it would be useful to obtain some information concerning the equality break down of both the business sector on the island, those subject to enforcement and the users of the service. This will enable a more comprehensive assessment process based on known data. The collection of this information should be sought when undertaking any consultation, evaluation or satisfaction surveys.

This will be particularly useful when the policy is reviewed in 3 years.

Action/Improvement Plan

Area of impact	Is there evidence of negative positive or no impact?	Could this lead to adverse impact and if so why?	Can this adverse impact be justified on the grounds of promoting equality of opportunity for one group or any other reason?	Please detail what measures or changes you will put in place to remedy any identified impact (NB: please make sure that you include actions to improve all areas of impact whether negative, neutral or positive)
Age	No impact	Not Applicable	Not Applicable	Collection of data where possible to include: <ul style="list-style-type: none"> • Individual service users • Businesses • Those subject to enforcement action
Disability	No impact	Not Applicable	Not Applicable	
Gender Reassignment	No impact	Not Applicable	Not Applicable	
Marriage & Civil Partnership	No impact	Not Applicable	Not Applicable	
Pregnancy & Maternity	No impact	Not Applicable	Not Applicable	
Race	No impact	Not Applicable	Not Applicable	
Religion / Belief	No impact	Not Applicable	Not Applicable	
Sex (male or female)	No impact	Not Applicable	Not Applicable	
Sexual Orientation	No impact	Not Applicable	Not Applicable	

Area of impact	Is there evidence of negative positive or no impact?	Could this lead to adverse impact and if so why?	Can this adverse impact be justified on the grounds of promoting equality of opportunity for one group or any other reason?	Please detail what measures or changes you will put in place to remedy any identified impact (NB: please make sure that you include actions to improve all areas of impact whether negative, neutral or positive)
HR & workforce issues	No impact	Not Applicable	Not Applicable	
Human Rights implications if relevant	No impact	Not Applicable	Not Applicable	

Summary	
Date of Assessment:	20/06/2019
Signed off by Head of Service/Director	
Review date	2022
Date published	June 2019